

Customer No. 24498
Attorney Docket No. PF980020
Office Action Date: 02/18/2009

REMARKS

35 U.S.C. 112 rejection

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. In response, claim 1 has been amended by replacing the expression 'a single local registry' with 'the local registry'.

35 U.S.C. 101 rejections

Claims 1-8 are rejected under 35 U.S.C. 101 as being directed toward non-statutory subject matter. The Examiner applies the 'machine-or-transformation test' (see *In Re Bilski*) to support this rejection. The Examiner in particular contends (last paragraph of page 3 to first paragraph of page 4 of the office action) that "The claimed [method] (see preamble, Claim 1) does not require a particular machine or apparatus".

Applicant respectfully submits that claims 1-8 are sufficiently tied to a machine and that the Examiner has improperly applied the 'machine-or-transformation test'. According to *In Re Bilski*, 'The true issue before us then is whether Applicants are seeking to claim a fundamental principle (such as an abstract idea) or a mental process.'. This is clearly not the case of claim 1, which does not seek to preempt a fundamental principle (e.g. a mathematical algorithm) or a mental process (the steps recited in claim 1 cannot be carried out mentally, as they are clearly linked to network devices with specific functional means, such as local registries for registering device-hosted resources, requiring specific apparatus).

Amended claims 1-8 recite "distributed management of a plurality of resources in a communications network comprising devices (emphasis added)." Claim 1 further recites "registering local resources hosted by advice," "propagating the request through the local registry to local registry of

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other devices" (emphasis added). Clearly the claim recites physical elements and specific interaction between elements of the system. Additionally, these recitation reinforce the conclusion that this invention is directed a particular application, and not a fundamental principle. Thus, applicants submit that the claimed invention is sufficiently tied to a machine and satisfies the requirements of 35 USC §101.

Claims 9-10 are rejected under 35 U.S.C. 101 as being directed towards non-statutory subject matter.

Applicant strongly disagrees with the Examiner's assertion that claim 9 recites a "device comprising a series of means that can be reasonably interpreted as software".

Claim 9 recites 'means for storing' and 'means for connecting'. Applicant submit that these elements are physical in nature and it is not clear how such means could be interpreted "software". In order to explicitly clarify this matter, claim 9 has been amended by replacing the expression 'means for storing' with 'memory'. Support for the amendment is provided, for example, on page 6, lines 2-4 of the application as filed.

Claim 9, and as a consequence dependent claim 10, are thus believed to satisfy the requirement of 35 USC §101.

35 U.S.C. 102 rejection

Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Lawson et al. (US 5721825). Applicants traverse the rejection for at least the reasons discussed below.

Amended claim 1 recites:

"1. A method for distributed management of a plurality of resources in a communication network comprising devices, the method comprising the steps of:

- registering local resources hosted by a device only in a local registry managed by

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the device;

-sending a request for a list of resources from a local resource to the local registry of the device hosting the local resource;

- propagating the request through the local registry to local registries of other devices;
- collecting responses to the request by the local registries of said other devices and a response of the local registry; and

- transmitting the responses collected to the local resource which sent the request. “

Lawson et al. is directed to different purpose and addresses the purpose using different steps than those recited above. Lawson et al. describes an event notification method in a network. The network of Lawson et al., for example that of figure 1, comprises a plurality of servers (labeled A-D in figure 1, see associated text col. 7, lines 54-56). Each server is associated with a so-called local event registry (18). The network also comprises a global event registry 16. These registries are used purely for event notification. The global registry contains a list of events to be notified and a list of servers which need notification when an event occurs. A local event registry comprises a list of events and a corresponding list of local event consumers that need notification when one of the events occurs (col. 4, lines 45-53).

This architecture leads to a two-level process. A local event consumer registers with a local event registry for notification of a specific event: the local register then stores the relationship between the event consumer and the event. This registration is also mirrored at the level of the global event registry, where the event is stored in relationship with the network server to which the event consumer and local registry are connected (col. 4, lines 54-65). When an event occurs locally, there is – if needed – a corresponding notification to a local event consumer. Thereafter, a check is made at the global event registry to verify whether additional servers also need to be notified (col. 4 line 66 to

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col. 5 line 6).

The only common point between Lawson et al. and the invention as claimed in claim 1 is the expression 'local registry'. However, the local registry in Lawson et al. is an 'event' registry, whereas the claimed registry registers resources local to its host device.

In Lawson et al., events, event consumers and network servers are registered in a local and a global registry. In claim 1, local resources hosted by a device are registered in a local registry only, and the local registry is managed by the device.

See page 11, lines 20-24 of the present application "It should be noted that the modules of the registries of various devices are distinct. There is no centralized registry, in which all the software modules would be catalogued. The software modules are registered only at the level of a single registry: their local registry. There is therefore no double registration at several registries."

The claimed step of 'sending a request for a list of resources from a local resource to the local registry of the device hosting the local resource' is totally absent from Lawson et al. In particular, there is no mention, or suggestion, of a request for a list of resources. Similarly, there is no mention of propagating a request from one local registry to local registries of other devices.

Lastly, in Lawson et al., events are notified to event consumers whereas in the invention of claim 1, resource lists collected from the local registry and the local registries of other devices are communicated to the requesting resource.

In other words, there is no common feature between the invention of claim 1 and the teachings of Lawson et al. Lawson et al., and the present invention is directed to entirely different subject matter, address different purposes, and achieve the goals in different ways. Thus, applicants submit that the amended claims are not anticipated by Lawson, et al.

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CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that all the claims now pending in the application are in condition for allowance. Early and favorable reconsideration of the case is respectfully requested.

Respectfully submitted,

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